

RULE VI

GENERAL PROVISIONS

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6.01—PHYSICAL EXAMINATIONS

The Personnel Administrator shall establish a physical examination program which shall require persons employed in positions in the classes (s)he shall designate to be examined by a physician and present certification that they are capable of performing the duties required and that their employment in such position will not be harmful to the State, or its employees or other persons.

The Personnel Administrator may require such physical examination as designated below:

(a) Pre-Employment Examination

The State of Rhode Island shall not require a medical examination or make any inquiry regarding a job applicant's disability until a job offer had been made but may inquire as to the applicant's ability to perform job-related functions with or without reasonable accommodation.

(b) Employment Entrance Examinations

After a job offer has been made to an applicant and before the applicant's job duties begin, the State of Rhode Island may require a job applicant to submit to a medical

examination and/or inquiries and may condition employment on the result of such examination and/or inquiries, so long as all entering employees in the same job category are subject to an examination and/or inquiries regardless of disability and all confidential requirements are met.

6.02—CONDUCT OF EMPLOYEES

In accordance with the provisions of Title 36-4-55 of the General Laws of 1956, as amended, it is the duty of every employee to so conduct himself/herself inside and outside his/her office as to be worthy of the esteem a public employee must enjoy. Therefore, it shall be the policy of the State of Rhode Island that no state employee shall engage in any outside business activities, however remote from the function of his/her office, which would in any way interfere with the employee's performance of his/her regular duties, or embarrass or bring discredit to either the employee or the state. State employees who avoid or ignore this policy shall be subject to disciplinary action. Furthermore, whenever a state employee shall so conduct himself/herself as to cause scandal or to lose or jeopardize such esteem, (s)he may be dismissed for the good of the service, subject to the provisions of the law and rules.

6.021—Authorization

(a) Approval 10 days:

Whenever it appears to be in the best interest of the State, an Appointing Authority may, with the approval in advance by the Personnel Administrator, place an employee on paid Administrative Leave for a period of not more than one pay period (10 working days) in a calendar year. The use of Administrative leave so defined is not deemed to be mandatory by an Appointing Authority and does not preclude the immediate application of the provisions of Rule 5.0661 (Leave Without Pay) in such cases as it shall appear to be in the best interest of the State.

(b) Extension(s) beyond 10 days:

The Director of Administration, with the recommendation of the Personnel Administrator, may extend the period of Administrative Leave beyond any leave already granted if it is in the best interest of the State to grant such extension.

6.022—Administrative Leave With Pay

One of Administrative Leave categories, as referred to in Rule 6.02 absence from duty with pay necessitated by internal investigations and/or hearings, as to alleged charges of malfeasance or misfeasance or dereliction of duty by a State employee; conduct of activity which would interfere with an employee's ability to perform his/her duties; conduct which would embarrass or bring discredit to either the employee or the State.

6.023—Expiration of Administrative Leave

Upon the expiration of said Administrative Leave, an employee must be returned to full-time duty without prejudice or placed on leave without pay

pending a final resolution of the cast in question.

6.03—DEMOTIONS

When the services of an employee, who holds permanent status are not satisfactory, the Appointing Authority may demote the employee to a position in a lower class and grade, and such employee shall be granted permanent status in the class of position to which (s)he has been demoted. The compensation in such lower class shall be determined by the provisions of Rule IV Subsection 4.0211. An employee may be granted a demotion upon request, when recommended by his/her Appointing Authority and approved by the Personnel Administrator. Such demotion shall be termed a voluntary demotion and shall not be deemed a disciplinary action.

6.04—RESIGNATIONS

An employee in the classified service desiring to resign in good standing shall give his/her Appointing Authority notice of at least 14 calendar days prior to termination of services. Such resignation shall be submitted on the appropriate forms, signed by the employee and must be approved by the Appointing Authority and the Personnel Administrator to become effective. Any employee, who is absent from duty without authorized leave for five consecutive working days or who fails to resume his/her duties at the expiration of a leave of absence, shall be deemed to have resigned without notice. Such resignation shall be submitted on the appropriate form, signed by the Appointing Authority and must be approved by the Personnel Administrator to become effective. Such resignation shall be not in good standing unless otherwise requested by the Appointing Authority and approved by the Personnel Administrator. In each instance of such resignation without notice, a copy of such action shall be mailed by the Appointing Authority to the last known address of the employee within 5 days after the approval of the Personnel Administrator.

6.05—APPLICATION: (CS-14 NEW HIRES AND TRANSFERS TO OTHER POSITIONS)

(a) Request for Current Application to Maintain Updated Records

The Personnel Administrator shall promulgate an application which must be filled out according to instructions by all individuals seeking State employment or seeking transfer to another position, hereinafter referred to as transfer. Said application shall be used in accordance with law for administrative processing related to recruitment and placement and may include such information as an individual's name, address, social security number, education and work experience, criminal record, military record and any other information deemed pertinent by the Personnel Administrator.

(b) Request for BCI Check (Bureau of Criminal Identification)

An Appointing Authority must request a criminal record check when an offer is extended for hire or transfer. Convictions listed either on the employment application or criminal record must be verified with the prospective employee by the Appointing Authority. Those convictions deemed pertinent to the position sought by the applicant may be grounds for refusal to hire or grant a change of classification. Inconsistent or falsified information supplied on an application may also be deemed sufficient reason

not to hire or grant a change of classification.

6.051

TRANSFER OF STATE EMPLOYEES

The director of administration is authorized to transfer any employee the executive branch who is not covered by a collective bargaining unit whenever the best interests of the state would be served thereby. Any such employee may be transferred to a comparable position upon the approval of the director of the department administration and the personnel administrator.

In the case of an intra-agency transfer, the purpose of such transfer is to improve both a receiving agency's operation and the sending agency's operation in managing the state's human resources. It is anticipated that state operations will be improved by utilizing the skills and expertise of a transferred employee for specific operation(s) and or project(s).

A "comparable position" is defined as a job assignment with duties and responsibilities and/or knowledge, skills, and abilities which are reasonably similar to the general nature of work in the employee's current position and/or those contained in prior positions held by the employee.

Considerations may include current employment, prior employment/work experience and education/training.

An employee transferred pursuant to RIGL 36-4-34.1 (1996) entitled "Transfer of state employees" shall be subject to the following:

- shall be under the supervision of the appointing authority of the receiving agency during the period assigned in the case of an inter-agency transfer
- shall retain his/her civil service status, rate of pay, benefits and all rights and privileges pursuant to Rhode Island General Laws
- may be transferred initially for a period of up to one (1) year's duration and may be further extended with the approval of the personnel administrator
- may retain his/her class of position or may be placed on an authorized leave from his/her class of position for the term of transfer subject to the approval of the appointing authority(s) involved and the director of administration

An appointing authority who initiates a request for an employee transfer may be obligated to provide funding for the term of the transfer.

6.06—SOLICITATION ON STATE PREMISES

No one shall conduct any solicitation or private business in any State building, in any State office in a private building, or on property owned or occupied by the State of Rhode Island. No person shall enter or remain on said property nor post any type of notice for any purpose without the permission of the Director of the Department of Administration.